

REMARKS

The foregoing amendment and remarks which follow are responsive to the Office Action mailed August 13, 2003.

Claims 1, 3, 4 and 6-30 are pending in the application. The Office Action rejected claims 1-30 under 35 U.S.C. § 103(a) as being unpatentable over Plotnick et al. (U.S. Publication No. 2002/0144262) in view of Bryant et al. (U.S. Patent No. 5,652,615).

Claim 1 has been amended to include the limitation of "presenting the saved alternative presentation data associated with the rich media segment for a time period equivalent to an initial length of time for a presentation of the at least one rich media segment less a length of time that the at least one rich media segment has previously been presented." (current amendments underlined). Similar amendments have been made to independent Claims 21 and 26.

The Office Action states that "Plotnick et al. do not specifically teach that the alternative presentation data is presented for a time period equivalent to an initial length of time for a presentation of the at least one rich media segment less a length of time that the at least one rich media segment has previously been presented. Office Action, Page 3. According to the Office Action, the Bryant et al. reference discloses this limitation. Office Action, Page. 3. Applicants respectfully disagree.

The Bryant et al. reference discusses alternating base (e.g., program content) and fill (e.g., advertisements) segments. Col. 4, lines 48-50. The Office Action appears to use the term "alternating" as used in the Bryant et al. reference to be synonymous with the term "alternative" in the claims. However, the context of the use of the term "alternating" in the Bryant et al. reference is clearly distinguishable from the "alternative" presentation data of the claims. For example, Claim 1 recites that "at least one rich media segment associated with the alternative presentation data is received." The alternative presentation data which is associated with the rich media segment is saved if presenting the rich media segment is interrupted. The saved alternative presentation data associated with the rich media segment is then presented "for a time period equivalent to an initial length of time for a presentation of the at least one rich media segment less a length of time that the at least one rich media segment has previously been presented."

The Bryant et al. reference discloses a base segment, such as a program, that alternates with fill segments (e.g., commercials). The fill segment slot may be filled with alternate fill segments. As discussed in the Bryant et al. reference, this allows for targeting advertising. For example, looking at Figure 8 of the Bryant et al. reference, STB 832 is showing program A with fill data C. Fill data C, may be, for example, a commercial for tennis shoes. At the same time, STB 833 is also showing program A, but instead of fill data C, STB 833 broadcasts fill data D, which may be for example, an automobile commercial. The fill data are the same length and are synchronized so that fill data C and D are broadcast simultaneously.

Following this same example, if the rich media segment of Claim 1 were a tennis shoe commercial, and the presentation of the rich media segment (tennis shoe commercial) is interrupted, data associated with the rich media segment (e.g., content for the same advertiser) is stored and presented. This alternative data is associated with the rich media data and may be presented at a later time. In contrast, the fill data (C and D) in the Bryant et al. reference are not associated with each other. They are non-associated data which must be presented simultaneously. In fact, the alternate fill data (C and D) in the Bryant et al. reference is likely significantly different from each other as the point is that the fill data is specifically targeted to be presented at that particular time to a and is intended for a particular target audience that is distinct from the target audience for the "alternate" fill data.

Since the cited references when taken either alone or in combination do not teach all of the limitations of independent Claims 1, 21 and 26, Applicants believe that all of the independent claims (Claims 1, 21 and 26) are allowable over the prior art of record. As such, all of the dependent claims are also believed allowable.

In view of the foregoing, Applicants respectfully submit that all of the remaining claims, namely, Claims 1, 3-4 and 6-30, are in a condition for allowance and such action is respectfully requested. In order to expedite the prosecution of the present application, the Examiner is invited to contact the undersigned at the Examiner's convenience.

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

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